

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

RICHARD EWENSTEIN (CABN 294649)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6842
FAX: (415) 436-7027
richard.ewenstein@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NOS. 19-MJ-71669-MAG
)	
Plaintiff,)	STIPULATION RESETTING HEARING DATE
)	AND EXCLUDING TIME AND [PROPOSED]
v.)	ORDER
)	
KEVIN FUQUA,)	
)	
Defendant.)	

It is hereby stipulated by and between counsel for the United States and counsel for the defendant Kevin Fuqua that the status hearing scheduled for July 8, 2020 be reset for August 4, 2020 at 10:30 A.M. It is further hereby stipulated by the parties that the time for preliminary hearing under Fed. R. Crim. P. 5.1(c) be extended pursuant to Fed. R. Crim. P. 5.1(d) and that time be excluded under the Speedy Trial Act from July 8, 2020 through August 4, 2020.

The parties stipulate and agree that time be extended for preliminary hearing and excluded under the Speedy Trial Act so that defense counsel can continue to prepare, including by conferring with the defendant regarding the plea offer and reviewing discovery. The parties stipulate and agree that extending the time for preliminary hearing until August 18, 2020, and excluding time until August 4, 2020 will allow for the effective preparation of counsel and will further the public interest in the prompt

1 disposition of this matter by allowing the parties to potentially resolve the matter at an early stage of the
2 proceedings. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); Fed. R. Crim. P. 5.1(d). The parties further stipulate
3 and agree that the ends of justice served by excluding the time from July 8, 2020 through August 4,
4 2020 from computation under the Speedy Trial Act outweigh the best interests of the public and the
5 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

6 The undersigned Assistant United States Attorney certifies that he has obtained approval from
7 counsel for the defendant to file this stipulation and proposed order.

8
9 IT IS SO STIPULATED.

10 DATED: 07/02/2020

/s/

RICHARD EWENSTEIN
Assistant United States Attorney

11
12 DATED: 07/02/2020

/s/

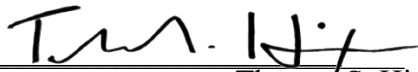
JOHN JORDAN
Counsel for Defendant Kevin Fuqua

~~[PROPOSED]~~ ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court resets the status hearing from July 8, 2020 to August 4, 2020 and finds that failing to exclude the time from July 8, 2020 through August 4, 2020 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court also finds that the ends of justice served by excluding the time from July 8, 2020 to August 4, 2020 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds good cause, pursuant to Fed. R. Crim. P. 5.1(d), to extend the time for preliminary hearing. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the status hearing set on July 8, 2020 is reset for August 4, 2020, that the time for preliminary hearing is extended to August 18, 2020, pursuant to Fed. R. Crim. P. 5.1(d), and that time from July 8, 2020 through August 4, 2020 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: 7/6/2020


~~DONNA M. RYU~~ Thomas S. Hixson
United States Magistrate Judge